

**FAIR EMPLOYMENT & HOUSING COMMISSION**

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**TITLE 2, SECTIONS 7293.5 – 7294.4**  
**DISABILITY DISCRIMINATION**  
Notice published November 30, 2012

**NOTICE OF MODIFICATIONS TO TEXT OF PROPOSED REGULATIONS**

Pursuant to the requirements of Government Code section 11346.8(c), and section 44 of Title 1 of the California Code of Regulations, the California Fair Employment and Housing Commission ("Commission") is providing notice of further changes made to proposed regulation sections 7293.5 – 7294.4 covering disability discrimination. These November 29, 2012 changes to the Commission's October 2, 2012 regulations are in response to a review by the Office of Administrative Law regarding the proposed regulations as submitted October 11, 2012 requiring a further 15-day public comment period to make the two changes proposed in these November 29, 2012 regulations.

**WRITTEN COMMENT PERIOD**

If you have any comments regarding the proposed changes, the Commission will accept written comments between November 30, 2012 and December 17, 2012. Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Commission. **The written comment period closes at 5 p.m. on December 17, 2012.** The Commission will consider only comments received at the Commission offices or through Commission email by that time. Submit comments to:

[disability.regs@fehca.gov](mailto:disability.regs@fehca.gov)

or Ann M. Noel  
Executive and Legal Affairs Secretary  
Fair Employment and Housing Commission  
455 Golden Gate Avenue, Suite 10600  
San Francisco, CA 94102

All written comments received by **December 17, 2012**, which pertain to the indicated changes will be reviewed and responded to by the Commission as part of the compilation of the rulemaking file. Please limit your comments to the modifications to the text. **An electronic copy of your comments in Word is preferred, but not required.**

**AVAILABILITY OF DOCUMENTS ON THE INTERNET**

Copies of the March 2, 2012 Notice of Proposed Rulemaking, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at [www.fehc.ca.gov](http://www.fehc.ca.gov) – the original March 2, 2012, proposed regulations, the modified June 13, 2012, proposed regulations, a "clean" copy of the June 13, 2012 with all deletions and strikeouts

omitted, the further modified August 14, 2012 proposed regulations, with changes from the June 13, 2012 version indicated in underline and strikeout and highlighted in yellow, the September 14, 2012 proposed regulations, with no additional changes from the August 14, 2012 regulations, the October 2, 2012 proposed regulations with no additional changes from the August 14, 2012 proposed regulations, and the November 29, 2012 regulations. With these November 29, 2012 regulations, the Commission proposes to make two proposed changes which are highlighted in yellow:

- On page 7 [at §7293.6(e)(2) – the Commission proposes to eliminate “validated job analysis” from evidence of whether a particular function is essential]; and
- On page 20 [at §7294.0(c)(2) – the Commission proposes to change the statement that an employer or other covered entity “shall ask” to “may require” reasonable medical documentation]. The later verb change would conform requirements at section 7294.0(c)(2) with comparable requirements at section 7294.0(d)(5), which state that an employer or other covered entity “may require” an applicant or employee to provide reasonable medical documentation.

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